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ORIGINAL EDITION,

COPIED FROM THE MINUTES TAKEN IN COURT.

THE

TRIAL

OF

THOMAS PAINE,

FOR CERTAIN

FALSE, WICKED, SCANDALOUS and SEDITIOUS

LIBELS

INSERTED IN THE

SECOND PART OF THE RIGHTS OF MAN,

BEFORE

The Right Hon. LORD KENYON *and a* SPECIAL JURY,

AT GUILDHALL,

ON TUESDAY THE 18th DECEMBER, 1792.

TAKEN IN SHORT HAND BY AN EMINENT ADVOCATE.

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[PRICE ONE SHILLING.]

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JOHN CAMPBELL, Esq. Foreman.

JOHN LIGHTFOOT,	RICHARD TUGWELL,
CHRISTOPHER TADDY,	JOHN PORTER,
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CORNELIUS DONOVAN,	ISAAC RAILTON,
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JOHN LUBBOCK,	Merchants.

COUNCIL.

For the PROSECUTION.	For THOMAS PAINE.
The ATTORNEY GENERAL,	Mr. ERSKINE,
The SOLICITOR GENERAL,	And
Mr. BEARCROFT,	Mr. PIGOTT.
Mr. WOOD,	
Mr. PERCIVAL.	

SOLICITORS.

For the PROSECUTION.	For THOMAS PAINE.
Messrs. CHAMBERLAYNE and WHITE,	Mr. BONNEY.
Solicitors to the Treasury.	

The KING *verſus* Thomas Paine.

THIS was a *criminal Information* filed againſt the Defendant, for ſeveral Libels contained in a Publication, called "*The Rights* "*of Man*, Part the Second, combining Prin- "ciple and Practice, by *Thomas Paine*, Secre- "tary for Foreign Affairs to Congreſs, in "the American War, and Author of the "Work entitled *Common Senſe, and the Firſt* "*Part of the Rights of Man.*"

The information recited the following paſſages from the work, which paſſages were, in the inuendoes, alledged to be *ſcandalous, wicked and ſedicious* libels on the Conſtitution of the Country.

Page 21.

"All hereditary government is in its nature "tyranny. An heritable crown, or an heri- "table

" table throne, or by what other fanciful
" name ſuch things may be called, have no
" other ſignificant appellation, than that
" mankind are heritable property. To in-
" herit a government, is to inherit the
" people, as if they were flocks and herds."

Page 47.

" The Convention met at Philadelphia, in
" May 1787, of which General Waſhington
" was elected Preſident. He was not at
" that time connected with any of the State
" Governments, or with Congreſs. He de-
" livered up his commiſſion when the war
" ended, and ſince then had lived a private
" citizen.

" The Convention went deeply into all
" the ſubjects; and having, after a variety
" of debate and inveſtigation, agreed among
" themſelves upon the ſeveral parts of a
" federal conſtitution, the next queſtion was,
" the manner of giving it authority and
" practice.

" For this purpoſe, they did not, like a " cabal of courtiers, ſend for a Dutch Stadt- " holder, or a German Elector; but they " referred the whole matter to the ſenſe and " intereſt of the country."

Page 52 and 53.

" The hiſtory of the Edwards and the " Henries, and up to the commencement of " the Stuarts, exhibits as many inſtances of " tyranny, as could be acted within the " limits to which the nation had reſtricted " it. The Stuarts endeavoured to paſs thoſe " limits, and their fate is well known. In " all thoſe inſtances, we ſee nothing of a " conſtitution, but only of reſtrictions on " aſſumed power.

" After this another William, deſcended " from the ſame ſtock, and claiming from " the ſame origin, gained poſſeſſion; and of " the two evils, *James* and *William*, the na- " tion preferred what it thought the leaſt, ſince

" ſince from circumſtances it muſt take one.
" The act, called the Bill of Rights, comes
" here into view. What is it, but a bar-
" gain, which the parts of the government
" made with each other to divide powers,
" profits and privileges? You ſhall have ſo
" much, and I will have the reſt; and with
" reſpect to the nation, it ſaid, *for your ſhare,*
" YOU *ſhall have the right of petitioning.*

" This being the caſe, the Bill of Rights
" is more properly a Bill of Wrongs, and of
" inſult. As to what is called the Conven-
" tion Parliament, it was a thing that made
" itſelf, and then made the authority by
" which it acted. A few perſons got toge-
" ther and called themſelves by that name.
" Several of them had never been elected, and
" none of them for the purpoſe.

" From the time of William, a ſpecies of
" government aroſe, iſſuing out of this coa-
" lition Bill of Rights; and more ſo, ſince
" the corruption introduced at the Hanover
" ſucceſſion,

" ſucceſſion, by the agency of Walpole; that
" can be deſcribed by no other name than a
" deſpotic legeſlation. Though the parts
" may embarraſs each other, the whole has
" no bounds; and the only right it acknow-
" ledges out of itſelf, is the right of peti-
" tioning. Where then is the Conſtitution
" that either gives or reſtrains that power?

" It is not becauſe a part of the Govern-
" ment is elective, that makes it leſs a de-
" ſpotiſm, if the perſons ſo elected, poſſeſs
" afterwards, as a Parliament, unlimited
" powers. Election, in this caſe, becomes
" ſeparated from repreſentation, and the
" candidates are candidates for deſpotiſm."

Page 56.

" The attention of the Government or
" England (for I rather chuſe to call it by
" that name, than the Engliſh Government)
" appears, ſince its political connexion with
" Germany, to have been ſo compleatly en-
" groſſed

" groſſed and abſorbed by foreign affairs, and
" the means of raiſing taxes, that it ſeems
" to exiſt for no other purpoſes. Domeſtic
" concerns are neglected; and with reſpect
" to regular law, there is no ſuch thing."

Page 63.

" With reſpect to the two Houſes, of
" which the Engliſh Parliament is compoſed,
" they appear to be effectually influenced into
" one, and, as a legiſlature, to have no temper
" of their own. The miniſter, whoever he at
" any time may be, touches it as with an
" opium wand, and it ſleeps obedience.

" But if we look at the diſtinct abilities
" of the two Houſes, the difference will ap-
" pear ſo great, as to ſhew the inconſiſtency
" of placing power where there can be no cer-
" tainty of the judgment to uſe it. Wretched
" as the ſtate of repreſentation is in England,
" it is manhood compared with what is called

" the Houſe of Lords; and ſo little is this
" nick-named Houſe regarded, that the people
" ſcarcely enquire at any time what it is do-
" ing. It appears alſo to be the moſt under
" influence, and the furtheſt removed from
" the general intereſt of the nation."

Pages 107 and 108.

" Having thus glanced at ſome of the
" defects of the two Houſes of Parliament,
" I proceed to what is called the Crown,
" upon which I ſhall be very conciſe:

" It ſignifies a nominal office of a million
" ſterling a year, the buſineſs of which con-
" ſiſts in receiving the money. Whether
" the perſon be wiſe or fooliſh, ſane or in-
" ſane, a native or a foreigner, it matters not.
" Every miniſter acts upon the ſame idea
" that Mr. Burke writes, namely, that the
" people muſt be hood-winked, and held in
" ſuperſtitious ignorance by ſome bugbear or
" other; and what is called the Crown an-

ſwers

" ſwers this purpoſe, and therefore it anſwers
" all the purpoſes to be expected from it.
" This is more than can be ſaid of the other
" two branches. The hazard to which this
" office is expoſed in all countries, is not
" from any thing that can happen to the Man,
" but from what may happen to the Na-
" tion—the danger of its coming to its
" ſenſes."

Page 116 and 117.

" I happened to be in England at the
" celebration of the centenary of the Re-
" volution of 1688. The characters of
" William and Mary have always appeared
" to me deteſtable; the one ſeeking to de-
" ſtroy his uncle, and the other her father,
" to get poſſeſſion of power themſelves; yet,
" as the nation was diſpoſed to think ſome-
" thing of that event, I felt hurt at ſeeing
" it aſcribe the whole reputation of it to a
" man who had undertaken it as a job, and
" who, beſides what he otherwiſe got, char-

" ed 600,000l. for the expence of the little " fleet that brought him from Holland. " George the First acted the same close- " fisted part as William had done, and " bought the Duchy of Bremen with the " money he got from England, 250,000l. " over and above his pay as King; and hav- " ing thus purchased it at the expence of " England, added it to his Hanoverian do- " minions for his own private profit. In " fact, every nation that does not govern " itself, is governed as a job. England has " been the prey of jobs ever since the revo- " lution."

Page 161.

" The fraud, hypocrisy and imposition of " governments, are now beginning to be too " well understood to promise them any long " career. The farce of Monarchy and Aristo- " cracy, in all countries, is following that of " Chivalry, and Mr. Burke is dressing for the " funeral. Let it then pass quietly to the " tomb of all other follies, and the mourners " be comforted.

" The

" The time is not very diſtant when Eng-
" land will laugh at itſelf for ſending to Hol-
" land, Hanover, Zell, or Brunſwick, for men,
" at the expence of a million a year, who un-
" derſtood neither her laws, her language, or
" her intereſt, and whoſe capacities would
" ſcarcely have fitted them for the office of a
" pariſh conſtable. If Government could be
" truſted to ſuch hands, it muſt be ſome eaſy
" and ſimple thing indeed, and materials fit
" for all the purpoſes may be found in every
" town and village in England."

The HONOURABLE Mr. PERCIVAL,

Opened the pleading, on the part of the Crown.

This, Gentlemen of the Jury, is an Information againſt Thomas Paine, for that he being a perſon of a wicked, malicious, and ſeditious diſpoſition; and wiſhing to introduce diſorder and confuſion, and to cauſe it to be believed, that the Crown of this kingdom was contrary to the Rights of the Inhabitants of this kingdom; and to cauſe it to be believed

alſo, was a bill of Wrongs and Inſults; all tending to bring the government of this country into contempt, and endeavouring to cauſe it to be believed, that the Parliament of this country was openly corrupt in the face of day; and in order to withdraw the affection of the people of this kingdom, againſt the law and conſtitution of this country; that he, Thomas Paine, wiſhing and intending this miſchief, did, on the 16th of February, 1791, wickedly, falſely, maliciouſly, ſcandalouſly, and ſeditiouſly publiſh a certain book, called Second Part of Rights of Man, ſigned Thomas Paine, containing many falſe, wicked, ſcandalous, malicious, and ſeditious aſſertions; with which he ſhould not trouble the Jury, as they would have them from the Attorney General. The Defendant had pleaded Not Guilty, upon which iſſue was joined.

The ATTORNEY GENERAL.

Gentlemen of the Jewry,

If his were not a caſe that has been rendered more extraordinary by the curioſity and expectation

expectation it has excited, I ſhould content myſelf, Gentlemen of the Jury, with a bare recital of the libellous matter contained in the information, and ſubmit it to your judgment to pronounce a verdict: but, gentlemen, ſuch miſchievous conſequences have reſulted from it—conſequences ſo injurious to the peace and welfare of the country, and ſo inimical to the ſecurity of a conſtitution that has been tranſmitted to us almoſt from time immemorial, that I cannot, conſiſtent with the ſenſe I entertain of my duty, ſuffer myſelf to be ſo brief upon the ſubject.

Gentlemen, it has been rumoured abroad, that the proſecution does not receive my approbation. I ſhall obviate that rumour, by declaring it to be wholly falſe and entirely unfounded: Indeed I ſhould deſerve to be expelled ſociety, if for one moment I could entertain a wiſh to heſitate in bringing this infamous calumniator to public juſtice; I ſhould indeed deſerve the reprobation of all good men, if I could pauſe a moment in the execution of

a duty

a duty to the moſt benign Sovereign that fills the throne, and to all who conceive that the Conſtitution of Great-Britain deſerves the ſupport of all who live under it.

When the firſt part of this publication, called the Rights of Man appeared, I certainly was of opinion that it was highly reprehenſible, but imagining that as it would be confined to the judicious and the diſcriminating, they would refute the poſitions laid down in the work, as they proceeded in the peruſal of it, I delayed laying it before a jury of the country. Perhaps this was reprehenſible, but I truſt that you will deem the motives that influenced me in that inſtance, are a ſufficient apology.

But as ſoon as the ſecond part of this work was uſhered into the world; as ſoon as I beheld the activity employed in the circulation of it—when I found that it was printed at a very low price, for the expreſs purpoſe of its being read by the loweſt claſſes of the people —when

—when I learned that to delude and deceive even children, ſweetmeats were encloſed in this motly definition of the Rights of Man: I ſay, gentlemen, as ſoon as I was informed of theſe circumſtances, I did not delay one moment—I did not heſitate one moment in putting the very reprehenſible tranſaction in a judicial proceſs; and on the very firſt day of term I placed a charge againſt Mr. Paine on the record,

Gentlemen, I have ſaid before that the book could not have any injurious tendency on the minds of the judicious and the diſcriminating reader. If the circulation had been confined to perſons of ſuch a deſcription, I ſhould have been dumb for ever—I ſhould laughed to ſcorn the attempts of Mr. Paine, well knowing that all his reward would be the deteſtation and contempt of all whoſe good opinions are worth preſerving: but, gentlemen, the lower orders of the people, to whom judgment and diſcrimination are wanting—they who are eaſily perſuaded by artful poſition, and artful

theories, they were not able to diſcover the dreſs of the publication—they, gentlemen, poſſeſſed not the power of diſcuſſing abſtract propoſitions, or of finding an antidote againſt the baneful poiſon.

Gentlemen, it will be neceſſary for me to enter into a deſcription of the libels contained in the ſecond part of the Rights of Man.

The firſt libel *(contained page 21 of the publication)* conveys a deliberate intention to vilify, degrade, and thereby to bring into contempt, the Conſtitution and the Syſtem of that Government under which we have the happineſs to live. If you will turn, gentlemen, to the libel in queſtion, you will find that Mr. Paine wiſhes to ſhake off the regal office of chief magiſtrate—to cram this propoſition down the throats of the people, and to make them reaſon in this manner: " That under a regal Government they were ſlaves, and ought to releaſe themſelves from a diſgraceful ſtate of bondage." Here, gentlemen, the regal office

office is conſidered as productive of tyranny, and here the beſt of Monarchs is conſidered as poſſeſſing an heritage of the people, " as if they were flocks and herds." But the fact is in law, that the king does not poſſeſs an heritance of this nature—He poſſeſſes an heriance of the crown, but I deny that he does of the people.

The *ſecond* libel (in page 47) relates to the Convention at Philadelphia. If the defendant had confined his obſervations to that convention, I could not have complained of his conduct; but he has thruſt in an obſervation againſt the Act of Settlement, which is perfectly unconnected with the ſubject in diſcuſſion, and not at all dependent on the context.

The *third* libel, gentlemen, (in page 52,) declares that the government of the Conſtitution is uſurpation, and that there are no laws in England binding, but thoſe which every man has within his own breaſt, with

reſpect to religion or morality, This is a ſweeping imputation, and tends to create a wiſh to extirpate monarchy and ariſtocracy, not conſidering that the Conſtitution poſſeſſes ſuch an infuſion of the ſpirit of democracy, as prevents either monarchy or ariſtocracy from exerciſing the powers of tyranny. In ſaying that the progreſs of the Engliſh Government is not the progreſſion of liberty, but of tyranny, he is guilty of the groſſeſt libel on the founders of our ſyſtem of juriſprudence, that ever was uttered by the mouth of man.

It is neceſſary here, gentlemen, that I ſhould read to you the Bill of Rights, *(the Attorney General accordingly read it.)* This bill, the palladium of our liberties, the preſervative of our rights;—this bill he has the audacity to call a Bill of Wrongs; and to aſſert, that the only good obtained by the people by that bill, is the *right of petitioning*.—Oh, gentlemen, that the malignant diſpoſition of men ſhould proceed to ſuch lengths! Oh, gentlemen, that there ſhould be men in the world who behold a beau-

a beautiful edifice, but with the wiſh and inclination to deſtroy it! To them, all order is baneful,—all harmony diſguſtful;—to them, the admirable ſymmetry, diſcoverable in the ſyſtem that reſtrains licentiouſneſs, while it gives ample range to liberty;—to them, all the nice component parts of the building are objects of abhorrence. They breathe but to poiſon;—they touch but to deſtroy.

The *fourth* libel (in page 56) aſſerts in direct terms, that the Government exiſts only for the purpoſe of levying taxes, All the regulations of commerce, and the encouragement given to trade, this man deſpiſes; and for the reaſon, that they tend to confer bleſſings on the human race.

The *fifth* libel (in page 63) contains nothing but a dogma, without a ſingle argument to ſupport it. All the component parts of the Government are repreſented to fall into a deep ſleep, whenever "the Miniſter, whoever he "at any time may be, touches it as with an "opium wand."—The contempt he evinces

for the Houſe of Lords is totally unfounded, and daringly wicked. Gentlemen, you will recollect the brilliant characters that fill that Houſe. All the noble actions done by thoſe noblemen and their anceſtors, in defence of the liberties of the people, will ruſh, I am convinced, into your minds, and you will feel that deteſtation for the calumniator which fills my breaſt.

The *ſixth* libel (in page 107) contains ſuch an abominable, atrocious calumny on the monarchical office, that it will be unneceſſary for me to detain you with any obſervations upon it.

The *ſeventh* libel (in page 116) repreſents the Government as a mere job; and that "England has been the prey of jobs, ever "ſince the Revolution."

The *laſt* libel (in page 161) is the moſt flagitious of all that I have read; for it contains a direct attack on the Houſe of Brunſwick, from which his Majeſty is deſcended. Theſe,

Theſe, gentlemen, are the paſſages which I have ſelected. I do not chuſe to contaminate my own tongue;—I do not chuſe to ſhock you,—or give pain to the feelings of the Court, by entering more at large into the infamous parts which are alledged in the information, as containing libellous matter.

I beſeech you, gentlemen of the jury, to take into your conſideration the phraſe, the manner, and the matter. In my conception, it conſtitutes treaſon; though, technically, that appellation cannot be attached to it. Having conſidered theſe circumſtances, I requeſt you to put your hands on your hearts, and declare, whether this is not that atrocious caſe which well deſerves the character given of it in the information. I entreat you to ſay, whether this is not calculated to induce the people to throw off their allegiance to the King, and to ſubvert the Conſtitution;—a conſtitution that had been growing up ſince the invaſion of *Julius Cæſar*, to the Revolution; ſince which time it had ſhone forth

in meridian ſplendor and glory. Well is that Conſtitution, gentlemen, called the collective wiſdom of all ages,—the aggregate wiſdom of all nations.

I have now, gentlemen, ſtated to you a few obſervations on the libels. I do defy any man in the kingdom to produce to me any work calculated, both with reſpect to tendency and execution, to produce more miſchief, or conſequences more injurious to the beſt rights of Engliſhmen. Unqualifiedly and undiſguiſedly he tells you, that the Government of Great Britain is complete tyranny and uſurpation: he inſiſts that there is no ſuch thing as law.---Now, gentlemen, I put it to you, as thinking men, whether there ever was a more dangerous aſſertion. What is it but to tell twelve millions of people that they have no right to be reſtrained in the execution of any inclination which their own hearts might dictate. What is it but to attempt to overturn all the regulations of ſocial life,---all the domeſtic duties,---every public, every

every private obligation;---to reduce men to the ſavage ſtate of nature; in which ſtate, abilities, and genius, all the active energies of the mind, were uſeleſs and unneceſſary, and ſubjugated to the mechanical operations of ſtrength and cunning, in which they would be excelled by many of the beaſts of the field.

Gentlemen, you will find that Mr. Thomas Paine's averſion to monarchy is ſuch, that he abſolutely denies all merit to it. In his opinion, not one advantage can reſult from it. Kings muſt be bad, merely becauſe they are kings. Noblemen muſt be enemies to their country, from the ſingle circumſtance of their belonging to the ariſtocratic part of the Conſtitution. Democracy is his ſole delight. To democracy are all his raptures confined; ---to democracy is to be attributed all the advantages that have accrued to man from the foundation of the world.

Gen-

Gentlemen, you muſt be ſenſible that this Conſtitution poſſeſſes a very powerful infuſion of democracy, and it properly poſſeſſes it; but our Government is not entirely democratic; God forbid that it ſhould be! An author, not very much read now, *Hobbes*, ſpeaking of a democracy, delivers theſe ſentiments: "A democracy is an ariſtocracy of "orators, interrupted ſometimes by the mo-"narchy of one orator."---The obſervation is ſomewhat quaint, but it is neverthelefs juſt.

In indulging his invective againſt monarchy, Mr. Paine has quite forgotten, or was perhaps ignorant of every wholeſome proviſion made by the law for reſtraining the power of the Crown, and for providing for particular emergencies in the caſe of kings who were minors, regents, &c. &c. Had he been acquainted with theſe proviſions, he would have known, that in no poſſible caſe could the people experience any inconvenience on account of the monarchical ſyſtem.

Gen-

Gentlemen of the jury, Mr. Paine abuſes all hereditary monarchy. What are the advantages of an elective monarchy? Look at Poland: well has it been ſaid,

"*The Crown of Poland, venal twice an age.*"

There, elective monarchy produces conſequences moſt injurious to the liberties of the people;---there, indeed, the Crown has often been waded to through ſeas of blood. Gentlemen, in recurring to Poland, it is impoſſible that I ſhould avoid mentioning the preſent monarch of that country. That great man was educated in this kingdom. Here it was, that he imbibed thoſe principles of freedom which led him, when he mounted the throne of Poland, to attempt the liberation of his ſubjects from the tyranny and oppreſſion of the feudal lords. He has been oppoſed and thwarted by the unjuſtifiable interference of the Empreſs of Ruſſia; but his name will be handed down to poſterity with honour and applauſe.

I beg leave to read to you a few extracts from a work written by Mr. Adams, an American gentleman, in anſwer to Mr. Paine. This, in my opinion, ſucceſsfully attacks the moſt daring aſſertions of the defendant. [*The Attorney General read a few extracts.*]

Gentlemen, I ſhall not trouble you with any additional obſervations. Thoſe I have made reſulted not from any idea of your incapacity to decide the caſe, but from a ſenſe of that duty, the execution of which my King and my country have a right to claim from me. They have a right to claim it, and I perform it with ſatisfaction, and with pleaſure.

I ſhall produce evidence to prove Mr. Paine to be the author of the publication called The Rights of Man, and to ſhew you *quo animo* he wrote that work.

Mr. Paine tranſmitted me a letter from Paris, dated the 11th of November, 1792.

It

It contains the moſt impudent calumnies on his Majeſty and his ſons; and in it I am particularly deſired by Mr. Paine to read it to you.

Mr. ERSKINE, *Council for the Defendant*,

I beg leave to ſubmit to the court, that the Attorney General has no right to read the letter. If it contains libellous matter, another information may be filed againſt Mr. Paine. I conceive that a libel contained in one book cannot operate againſt a libel alledged to be contained in another book.

LORD KENYON.

If the letter offered in evidence by the Attorney General tends to prove that Mr. Paine is the author of the Second Part of the Rights of Man, the law renders it obligatory in me to admit it in evidence. [*The letter was read.*]

" TO THE ATTORNEY GENERAL.

" SIR,

" In addreſſing this letter to you, I ad-
" dreſs you in no other character than as a
" friend. With reſpect to the information
" filed againſt me, I cannot conceive it to
" be any concern of mine. Whatever be
" the event, it cannot affect me in any other
" way than to add to the ſale and conſe-
" quence of the work alluded to. For my
" own part, I conſider the impending trial,
" not as a trial between the Government of
" England and myſelf,—but as a trial be-
" tween the Government and the people of
" England. If, therefore, a verdict ſhould
" be given againſt me, (which conſequence
" cannot be produced if the jury be not
" *packed*,) I ſhall as little regard it as the
" man in the moon.

" If I had had leiſure during the time I
" was in England, I would have publiſhed
" ſome

" ſome obſervations on the criminal infor-
" mation filed againſt me. As it is, I mean
" to defer thoſe obſervations till the trial is
" coucluded."

[*The reſt of the letter was replete with moſt violent invectives againſt our gracious Sovereign and his ſons.---We will not diſgrace our report by a repetition of thoſe calumnies.---The letter was ſigned* " THOMAS PAINE."]---The Attorney General was exceedingly agitated when he read that part of the letter which related to his Majeſty.

Some other letters were produced, and proved to be in the hand-writing of Mr. Paine. One was to *Jordan*, his publiſher, authorizing him to inform any one, that he was the author of the Rights of Man. Another related to a tranſaction with Mr. *Chapman*, a printer, who firſt offered him 100l. and at laſt 1000l. for the copy-right of the Rights of Man.

The

The Attorney General read the contents of a third letter, which he had received from the ſecond perſon in America, (Mr. Adams.)---
" Having had the honour of his acquaint-
" ance," the Attorney General ſaid, " I
" wrote to him relative to the proſecution,
" and in anſwer I was informed, that it was
" the wiſh of THOMAS PAINE to convene
" the people of Great Britain, who had nei-
" ther Government nor Conſtitution, for the
" purpoſe of prevailing upon them to adopt
" a conſtitution ſimilar to that of France, and
" to eſtabliſh a Government proceeding di-
" rectly from the ſovereignty of the people.
" Mr. Paine had alſo called on the citizens
" of America, to rally round him, in order to
" afford aſſiſtance to Great Britain, in the
" completion of a revolution."

Theſe facts were admitted by Mr. Erſkine.

The EVIDENCE.

THOMAS HAY produced the book, which he bought at Jordan's, the bookſeller, in

in Fleet-Street, on the 16th of February, 1791.

Mr. CHAPMAN.

I am a printer. I became acquainted with Thomas Paine, who was introduced to me to employ me as a printer of the *Firſt Part* of the *Rights of Man*. I printed that book, and great part of the *Second Part*. But I relinquiſhed printing the reſt, on account of the miſchievous tendency of the work. On the 17th of January laſt, Mr. Paine called upon me at ſix o'clock in the morning. He was intoxicated, and introduced his favourite topic of converſation, religion. I never ſaw him drunk before. He indulged himſelf in much abuſe of religion, and compared me and my wife, who are diſſenters, to a whitened ſepulchre, fair on the outſide, but in the inſide nothing but putrefaction and dead men's bones. Mr. Paine withdrew from my houſe in a great paſſion. I am well acquainted with his hand-writing, and believe the letter

written from Paris to the Attorney General to be written by Mr. Paine.

Croſs-examined by Mr. ERSKINE.

Have you not been tampered with by perſons high in office, who employed you to purchaſe the work for the purpoſe of ſuppreſſing the publication of it?

Witneſs. Before I diſcovered the miſchievous tendency of the work, I offered 100l. for it.

Mr. Erſkine. Did you not offer a larger ſum afterwards?

Witneſs. I did. The ſale of the Firſt Part had encreaſed, and it had eſcaped a proſecution; I offered five hundred guineas.

Mr. Erſkine. Upon your oath, did you not offer double that ſum?

Witneſs

Witneſs. I did; I offered one thouſand guineas.

Mr. JORDAN's SHOPMAN.

I lived with Mr. Jordan, and have frequently ſeen Mr. Paine. I have often ſeen him write, and believe the letters produced in court to be in the hand-writing of Mr. Paine.

JOHN PERDUE

Said he was formerly acquainted with Mr. Paine when he was in the exciſe, and before he went to America. A letter was ſhewn him, which Mr. Paine wrote to Archibald M'Donald, Eſq. his Majeſty's Attorney General. The witneſs ſaid he believed it was the hand-writing of Mr. Paine. This letter was dated Paris, Nov. 11th, firſt year of the Republic. There were paſſages in this letter, reflecting on the Royal Family of England, which delicacy forbids us to mention, and which even Mr. Erſkine, though Council for the defendant, did not pretend to juſtify.

Mr. BOILOW.

I was acquainted with Mr. Paine; he was in the exciſe. I know his hand-writing, and I think the letters to be written by him.

The libellous paſſages inſerted in the information were now read.

The evidence on the part of the proſecution being ended,

The DEFENCE of THOMAS PAINE

Was entered upon by Mr. ERSKINE, in the following words:

Gentlemen of the Jury,

I cannot enter into a defence of THOMAS PAINE, till I have troubled you with a few obſervations on the peculiarity of the ſituation in which I, his advocate, ſtand at the preſent moment.

Gen-

Gentlemen, you have heard a letter read to you by the Attorney General, which he received from my Client, who is in Paris. You all obſerved the emotions which agitated my learned friend while he read it. With truth might he exclaim in the language of the poet,

" *Alas, I feel I am no actor here!*

He could not but abhor the groſs attack made upon his Sovereign, whom ſuch attacks could never injure in the minds of his people. But, gentlemen, if the Attorney General felt ſuch embarraſſment, what ought I, what do I not experience myſelf! I ſtand in the ſame ſituation as my learned friend, in reſpect to another great perſonage, alluded to in the letter; that perſonage I ſerve in an official capacity; I eſteem him, I admire, I love him. But, greatly as I do eſteem him, much as I do admire his virtues, I have ſtill reſolved to perform my duty to my Client, THOMAS PAINE. I will perform that duty; I will perform the charge committed to my care.

And one word on a particular circumſtance: you, gentlemen, will acknowledge with me the right of every Engliſhman to a fair and impartial trial. You will confeſs that Mr. Paine would have had ample reaſon to complain, if any partiality had been ſhewn in the proceedings againſt him: he would have had ample cauſe for his invective, if I, his advocate, had ſeceded from his cauſe, on account of menaces or threats,---on account of public detraction, or any injury that might accrue to my private intereſt. Gentlemen, if I had withdrawn my aſſiſtance, I ſhould have conſidered myſelf as the baſeſt of mankind, and unworthy any eſtimation or good report in ſociety. But I never intended to relinquiſh his defence: I will not relinquiſh it.

I muſt lament, that the Attorney General deemed it neceſſary to read the letter he received from Paris. It ought to have been made the ſubject of a diſtinct proſecution, for I contend that it does not bear at all upon the preſent caſe. It was written a long time after the

the publication of the Rights of Man, when the author was in France. The learned Judge admitted it to prove the evil intention, the *quo animo* with which Mr. Paine wrote the Rights of Man. But does it prove the *quo animo?* It does not. It contains moſt ſcandalous invectives againſt a beloved Monarch and his reſpected ſons. The effect produced on your minds by them was apparent;—I hope it was alſo apparent what effect they produced on mine. But that is not the preſent libel on which you are to decide. I am here not as the advocate of THOMAS PAINE, writing the letter to the Attorney General, but as the advocate of THOMAS PAINE, writing the ſecond part of the Rights of Man. And here I muſt contend that the Attorney General has failed in a moſt material proof. In all proſecution for libels the evil mind of the author muſt be ſhewn. Has my learned friend ſhewn it? Has he proved one malignant fact? Has he adduced one piece of evidence to convince you of the wicked, ſeditious ſpirit of the dependent. He has produced only the letter to himſelf, which I deny

I deny to have any bearing upon the preſent caſe.

In the exordium of his ſpeech, the Attorney General has ſpoke of a report that has been circulated of his unwilllingneſs to proſecute the defendent. He has thought it neceſſary to do away that report, limited as the circultion of it muſt have been—But to compare my own ſituation with that of my learned friend, what muſt be my ſituation, who ſtand up in defence of THOMAS PAINE? Gentlemen, in conſequence of my having undertaken the defence of this man, the moſt audacious imputations have been caſt upon me. I have been calumniated, abuſed, deſcribed as diſaffected to the Conſtitution, and as concurring in all the doctrines of Mr. Paine: and not alone have I been thus calumniated; all who wiſh for a reform of the abuſes of the conſtitution are implicated in the calumny, and conſidered as entertaining a wiſh to ſubvert the conſtitution, and to deſtroy all order and ſubordination.

To ſuch aſperſions I make no anſwer; I treat them with the contempt they merit, and I ſhall conſider myſelf bound to defend THOMAS PAINE, without making myſelf a party in his doctrines. Oh, gentlemen, where would the Conſtitution be, if advocates were only to conſult their inclinations, their foibles, or their virtues? I would be gone. Every caſe would be pre-judged, and there would be no occaſion for the aſſiſtance of a jury in any caſe.

I have therefore, as I have before ſtated, deſpiſed every calumny thrown out againſt me, reſolved, while the breath of life ſhall remain—while the energies of my body and the organs of my mind remain unimpaired, to defend the equal right of every man in this realm to an impartial trial.

And now, gentleman, having troubled you with theſe obſervations, which, under the preſent circumſtances, I have deemed neceſſary, I proceed to the defence of my client. I conceive that you are not called upon to decide

 whether

whether one form of government be better thau another—whether the Engliſh Conſtitution be preferable to the American or the French Conſtitution; you are to try whether the publication has been written and ſent into the world conformable to the law of the land.

I will indulge a ſuppoſition that you all entertained republican doctrines—that you applauded the doctrines of Mr. Paine. Still, however, if on evidence it ſhould be proved to you that ſuch doctrines were inimical to the peace of the country, then I ſay that you ought to find Thomas Paine guilty. If they ſhould be proved to be not inimical to the peace of the country, then you would be bound to acquit him. Whatever therefore may be his opinions, with thoſe you have nothing to do. Every man has a right to exerciſe the liberty of thought and opinion. The Law of England takes cognizance of opinions, only as they influence the conduct of men. His Lordſhip will, I am ſure, inform you that this poſition

poſition is ſtrictly juſt. He will tell you, if it be neceſſary, that though all that Mr. Paine has ſaid be falſe—that though the tendency of his book be to injure the Conſtitution, yet if he has not gone beyond the limits of the preſs—if he has offered doctrines for the mere purpoſe of diſcuſſion, then you muſt not pronounce him guilty,—you muſt be well aſſured of the evil intention—you muſt be well convinced of the malignancy of the heart—you muſt be well perſuaded that he wrote the book with the diſhoneſt purpoſe of promoting diſcontent and diſcord.

Of the numerous duties attached to the office of an advocate, this is one: If his ſentiments diſagree with thoſe of his client, the law does not require that he ſhould diſcloſe them; if on the contrary they are congenial, that congeniality muſt be declared: before, therefore, I proceed in my ſtatement, I feel it neceſſary to make before you my political teſt. I *admire*, *love*, and will *ſupport* the Britiſh Conſtitution—I love the monarchic, the ari-

ſtocritic and the democratic part of it. The juncture of theſe three parts I reverence. I view the wonderful whole as a production the beſt calculated to enſure the peace and proſperity of men that ever was deviſed by human wiſdom or human ingenuity: but the unanimous applauſe of the whole world cannot be attached to any human inſtitution. You, gentlemen, and I may entertain different opinions upon one point: and herein conſiſts the freedom of the preſs: if I diſapprove of any meaſure, I am at liberty to diſcuſs it—I am at liberty to publiſh to the world my opinion upon the Engliſh Conſtitution, or any other Conſtitution, whether that opinion be favourable or unfavourable to it—I am at liberty to take a rotroſpective view of the cauſes of any particular eſtabliſhment. If I diſapprove of theſe cauſes, I may ſtate my diſapprobation. If tracing the progreſs of effects reſulting from theſe cauſes, I have reaſon to imagine that they are inimical to the peace and happineſs of mankind, I may ſtill declare my ſentiments. If, in addition to this, I ſuppoſe that the remote

mote effects of ſuch cauſes are bad, I may ſay ſo, without throwing myſelf under the diſpleaſure of the law. But if all theſe diſcuſſions originated in a *nefarious motive*, in a wiſh to *engender tumult*, or to *generate ſedition*, then I acknowledge that a criminal information may be filed againſt me. A criminal information may be filed againſt me, when I attempt to diſturb the order of ſociety, and to act like the wretched man who yeſterday declared, that in publiſhing the hand bill in the Fleet-priſon, he intended to excite inſurrection, and to produce the liberation of thoſe whom the laws have thought proper to place in a ſtate of confinement and deprivation of perſonal liberty. Did the publication of Mr. Paine contain ſuch declarations, ſo injurious, ſo wicked, I could have no ground on which to defend him; but I contend that it does not contain ſuch declarations. Not one paſſage that could juſtify the idea of the evil mind of the author has been adduced. The Attorney General has placed ſeveral extracts from the book on the record, but you are not to attend ſolely to theſe ex-

tracts; you muſt conſider the context, you muſt deliberate upon what precedes each paſſage and what follows it.

Gentlemen, I have ſaid that no proof has been adduced of the evil mind of the author. I ſay ſo ſtill. I think I can prove that Mr. Paine had no evil intention in publiſhing the Second part of the Rights of Man. You, gentlemen, who are men of extenſive reading and information, cannot but know that the preface to any work diſcloſes the view of the author in writing ſuch work. Without one more obſervation on this poſition, I haſten to the preface, which contains the following words:

" If a law be bad, it is one thing to oppoſe the practice of it, but it is quite a different thing to expoſe its errors, to reaſon on its defects, and to ſhew cauſe why it ſhould be repealed, or why another ought to be ſubſtituted in its place. I have always held it an opinion (making it alſo my practice) that it is better to obey a bad law, making uſe at the ſame time

of

of every argument to ſhew its errors and procure its repeal, than forcibly to violate it; becauſe the precedent of breaking a bad law might weaken the force, and lead to a diſcretionary violation of thoſe which are good.

" The caſe is the ſame with reſpect to principles and forms of government, or to what are called Conſtitutions, and the parts of which they are compoſed.

" It is for the good of nations, and not for the aggrandizement of individual, that government ought to be eſtabliſhed, and that mankind are at the expence of ſupporting it. The defects of every government and conſtitution, both as to principle and form, muſt, on a parity of reaſoning, be as open to diſcuſſion as the defects of a law, and it is a duty which every man owes to ſociety to point them out. When thoſe defects and the means of remedying them are generally ſeen by a nation, that nation will reform its government or its conſtitution in the one caſe, as the government re-

repealed or reformed the law in the other. The operation of government is reſtricted to the making and the adminiſtering of laws; but it is to a nation that the right of forming or reforming, generating or regenerating Conſtitutions and Governments belong; and conſequently thoſe ſubjects, as ſubjects of inveſtigation, are always before *as a Matter of Right*, and cannot, without invading the general rights of that country, be made ſubjects for proſecution."

Now, gentlemen, from this extract I contend that you can collect the *quo animo* of Mr. Paine. He declares, that it is better to obey a bad law, than to break it. But he contends that it is at the ſame time the duty of every man to uſe every argument to ſhew its errors and procure its repeal. And herein I agree with him. It is by the liberty of diſcuſſion that our Conſtitution has attained that pre-eminence and perfection which cannot be equalled in the annals of any nation.

In

In the caſe of the Dean of St. Aſaph the trial was poſtponed on the ground that ſome doctrines had been circulated, that were calculated to prejudice the minds of the jurors. Similar doctrines have preceded this trial. Aſſociations have been formed to anethematize the defendant, and hand-bills and pamphlets have been diſtributed repreſenting him as the moſt wicked and abandoned of the human race. I therefore contend that the cauſe of my client is prejudged, and that theſe aſſociations have united for the purpoſe of an improper and very reprehenſible interference in the progreſs of juſtice. From thoſe prejudices, froom thſe prepoſſeſſions againſt Mr. Paine, I muſt beſeech you to be entirely free. I muſt repreſent to you, that you ought not to be ſuppoſed to know any thing of the defendant before the commencement of the trial. Theſe, gentlemen, are your duties. As jurymen you are ſuppoſed to be demigods, equally raiſed above the frailties and weakneſſes of human nature.

And now, gentlemen, with reſpect to the letter that has been read to you. I am of opinion that it is adduced now for the purpoſe of embarraſſing you who are the jurors, and me who am the advocate. You muſt therefore baniſh it from your minds, and act as if no ſuch document had ever been produced.

Gentlemen, it has been ſaid by Mr. Paine, that "When a nation changes its opinions "and habits of thinking, it is no longer to "be governed as before; but it would not "only be wrong, but bad policy, to attempt "by force, what ought to be accompliſhed "by reaſon. Rebellion conſiſts in forcibly "oppoſing the general will of a nation, whe-"ther by a party, or by individuals." Theſe are the ſentiments of Mr. PAINE—theſe are my ſentiments—theſe are the ſentiments of the law of this country—and I am happy to ſay, that they are the ſentiments of the heir apparent to the crown of theſe realms.

Gentlemen, it will be neceſſary for me to evince to you the *quo animo* with which the book was written, by a reference to the former part of the life of Mr. PAINE. In that war, the remembrance of which muſt make us all ſhudder, Mr. PAINE bore a conſpicuous part—he wrote againſt the Engliſh Conſtitution, and defended the Americans. Mr. Burke, that celebrated character, of whom I cannot ſpeak otherwiſe than with great reſpect, had then, in a pamphlet called "Thoughts on the Cauſes of the Preſent "Diſcontents," highly applauded the conduct of Mr. Paine. From that period Mr. Paine has acted conſiſtently. Mr. Paine inveighs againſt the ſyſtem on which the Conſtitution is founded. He is of opinion, that the faults inherent in it will produce its decay. I, on the other hand, am of opinion, that it poſſeſſes in itſelf thoſe ſeeds, that will purge it of its diſeaſes and diſorders.

In the American war Mr. Burke fought under the ſame banner with Mr. Paine. The latter has not relinquiſhed his former habits of thinking, which I believe have proceeded from a mind *conſcia recti*—and perſuaded of the juſtice of thoſe habits. Mr. Paine's works contributed to produce the revolution in America—they certainly contributed alſo to produce the revolution in France, whoſe old ſyſtem of government was the moſt abandoned and deſpotic that ever diſgraced the annals of the world. To me it is not a wonder that ſuch a Government was overthrown—it is only a wonder that it ſhould have been ſuffered to exiſt ſo long.

There is no complaint, gentlemen, of Mr. Paine's former works during the American war—and what have produced the Rights of Man?—Mr. Burke. He it is who has been the cauſe of all thoſe publications, by his outrageous attack upon the French Revolution—the people of this country were perfectly quiet—they rejoiced in the overthrow

of deſpotiſm, and Mr. Burke ſaw the joy with anger and diſpleaſure—he wrote a book then, which no one ever contained more erroneous doctrines. You cannot but recollect, gentlemen, that this work aſſerts, "that "King's rule in contempt of the people— "that we are bound for ever—and that no "right is inherent in us to alter any of thoſe "principles which were eſtabliſhed at the "revolution." Mr. Burke, gentlemen, has totally miſtaken the principles eſtabliſhed at the revolution. The revolution gave the conſtitution to the people, not that it ſhould at no time be altered, but that it ſhould not be altered without mature deliberation, and mature reflection. Mr. Burke, however, denies this—he anathematizes all who dare to look at the Conſtitution with the eye of reformation. "Reform it," he ſays—"No, "it wants no reform—it is all perfect—all "compleat—all excellent—you have not the "power of altering it—it is buckled on you, "for you are beaſts of burthen," "a ſwiniſh multitude." "It is given you, and you are

" damned to all eternity if you dare to " touch it."

Mr. Paine's Rights of Man were publiſhed in reply to theſe abominable doctrines, which I have the ſatisfaction of believing are gone now " to the family vault of all the capu- " lets."

Gentlemen, a ſyſtem of Government that is to laſt to all eternity, ought not to be bound round men. Mr. Burke even thought ſo once himſelf, in " His Thoughts on the " Cauſes of the preſent Diſcontents,"—and following the poſition of Blackſtone, of Locke, of Archdeacon Paley, had aſſerted once that the people do poſſeſs an inherent right to correct that, which by experience is diſcovered to be injurious to the happineſs of mankind. What reaſon *the conſiſtent* Mr. Burke can give for the derelection of his former ſentiments, I cannot pretend even to divine. Thoſe only, who like him, can adopt or relinquiſh an opinion at pleaſure, can find a pretext for conduct ſuch as this.

Gentlemen,

Gentlemen, I intreat you in the moſt ſerious and ſolemn manner, not to decide with haſte on this moſt important queſtion—ere you damn by *bell, book and candle*, THOMAS PAINE. Think that your opinion will implicate in it, an authority for future deciſions—Do not proceed on the old *datum*, with reſpect to libels—there is a new law by which you are bound to conſider what are the principles of freedom. Eight years ago LORD MANSFIELD, who though he could not treat me with unkindneſs, for it was not in his nature, laughed at me for this aſſertion. It proceeds now from the law, and the legiſlative wiſdom of the Conſtitution has defended my opinion, in contradiſtinction to that great luminary who preceded the preſent Chief Juſtice of the King's-Bench.

Do not take Mr. Burke for your guide—do not believe with him, that we have not the power to alter and to amend, and conſequently, that the operation of thought is unneceſſary. Oh reflect on the progreſſive eſtabliſhment of all the ſocial duties! remember

member that man roamed once the woods in a ſtate of ſavage ignorance—that from this condition, miſerable indeed, he withdrew himſelf to live in cities, and to ſubjugate himſelf to laws, that were made to prevent the depraved from injuring the virtuous—if no right of alteration had been veſted in him, ſtill would he have remained a wretched creature.

——————Condemn'd in woods to roam,
And find, oh ſtate of woe! no place his home!

The people have, by their own efforts, acquired many privileges, but the liberty of the preſs has been more ſlowly obtained than any other. The liberty of the preſs has been always reſtrained by tyranny and deſpotiſm, becauſe by that reſtraint could tyranny and deſpotiſm alone exiſt. Oh, gentlemen, remember how tardy the progreſs of truth has always been—recollect the miſerable fate that attended the Saviour of the world—he viſited us clothed in humility—he preached the doctrines of reaſon and of peace, but they were not heard—and he ſuffered for them on the

the croſs—a ſet of deſigning artful prieſts had ſeized the public mind, and governed it with a rod of iron—religion was made uſe of by political power, as an engine of oppreſſion, to degrade God's own image, rational immortal man." You will not forget the miſeries of the dark ages of the world, when ſuperſtition and tyranny

Claſp'd in their iron fangs the human race,

While you remember theſe miſerable events, you cannot forget the origin of the liberty of the preſs—that liberty continued unimpaired 'till the year 1637, when the infamous Star Chamber was eſtabliſhed—the conſequences of this eſtabliſhment are well known. In 1648, Charles the firſt ſuffered on the ſcaffold. From this circumſtance you will naturally deduce this poſition, that the human mind cannot be reſtrained in its operations for any great length of time. Conſtraint produces the ſame effect as a ſubterraneous fire in the natural world, which long confined,

fined, burſts out at length an earthquake or volcano. Cromwell attacked the liberties of the preſs, and his Government was enfeebled by it in ſuch a manner, that it was deſtroyed by the reſtoration of Charles this Second. That monarch did not decreaſe the reſtraint, which at length produced the revolution. All the miſeries, gentlemen, that have accrued to this Conſtitution, have been produced by the reſtraints on the Liberty of the Preſs. In the glorious Milton's Treatiſe, called *Areopagitien*, or ſpeech on the liberty of unlicenſed printing, he ſays, " In former times " the iſſue of the brain was no more ſtifled " than the iſſue of the womb—Galileo periſh- " ed in a priſon, becauſe he ventured to think " from obſerving the phaſes of Venus, that " the ſun was in the center of our ſyſtem." Yet experience has proved to us, that Galileo was right in his conjecture. The opinion of Hume, of Lord Cheſterfield, are decidedly in favour of the Liberty of the Preſs. The memorable declaration of the latter cannot be forgotten by you.

LORD

LORD KENYON,

I thought, Mr. Erſkine, that a biographer of Doctor Johnſon had proved his Lordſhip to have no property in this declaration—and that it belonged to Doctor Johnſon.

Mr. ERSKINE.——I thank your Lordſhip for your correction, which has given me an authority of a higher nature—Doctor Johnſon's opinion then is, that "There is "ſuch a connexion between licentiouſneſs "and liberty, that it is not eaſy to correct "the one, without dangerouſly wounding "the other; it is extremely hard to diſtin-"guiſh the true limit between them; like "a changeable ſilk, we can eaſily ſee there "are two different colours, but we cannot "eaſily diſcover where the one ends and "the other begins.

But, gentlemen, there are men who entertain very different opinions of the liberty of the preſs—that this liberty is to be all on

one ſide—on the ſide of Adminiſtration. In Ruſſia, gentlemen, there is great liberty of the preſs, provided you beſtow nothing but praiſe on the good Empreſs.

I ſhall now enter into a brief conſideration of the libellous matter with which the information is charged.

In the firſt libel * it is alledged, that Mr. Paine has aſſerted all hereditary Government to be tyranny. Now, gentlemen, look at the context, and you will find that Mr. Paine qualifies this aſſertion, by ſaying, that the Monarchy of England is not hereditary—if therefore all hereditary Government be tyranny, but if the Engliſh Monarchy is not hereditary, *then I contend*, that this is a ſufficient anſwer to the allegation in the information.

The ſecond † paſſage is a curious one—The Revolution was a moſt glorious event, but

* Page 21 of the Second part of Rights of Man.

† Page 52 of the Second Part.

but it was not leſs glorious, even though it had been accompliſhed by the vileſt of mankind. The Reformation was moſt beneficial to the nation, but was it ever alledged againſt it, that it had been brought about by the moſt abandoned of Kings?—No—I therefore muſt contend, that this paſſage contains no libel on the Conſtitution.

The third ‡ is, that there is hardly any law in England—Now this appears to me to be no libel, for it has been allowed by the beſt writers, that there is much to be altered and amended in the ſyſtem of our Juriſprudence.

The fourth * paſſage relates to the Houſes of Parliament, but this, ſurely, could be no crime.

And now, gentlemen, I come to the conduct of thoſe who have aſſociated. They

‡ Page 56. * Page 63. Second Part.

have abuſed THOMAS PAINE in a manner more groſs than ever murderer had been abuſed before. Thoſe who have not joined in the abuſe, have been conſidered as diſaffected to the Conſtitution, and as entertaining wiſhes ſubverſive of the Conſtitution. But thoſe aſſociators, in their abuſe of THOMAS PAINE, have unthinkingly, and certainly unwillingly, compared him to a man of high character, to the author of the Oceana, Harrington. Perhaps, gentlemen, you may not know who this Harrington was. If deſcent can confer honour on man, this Harrington was deſcended from ſeven dukes, three marquiſes, eight earls, twenty-ſeven viſcounts, and thirty-ſix barons. In Germany this would have been a ſufficient juſtification for any crime. This Harrington was the ſervant, the truſted ſervant of a King, who placed confidence in him, though he knew his republican attachments: and the confidence of Charles the Firſt was not ill placed. When that unfortunate monarch was condemned to the ſcaffold, Harrington

reſolved to ſee him before his death. He came to London in the boot of a coach, aſcended the ſcaffold, fell into his maſter's arms, and fainted.—His Oceana was written after Charles's death: it came into the hands of Cromwell. Harrington applied to Cromwell's favourite daughter, to procure the reſtoration of his work. He adopted a ſingular expedient; he ſeized her child, and run away with it. When the mother purſued him to recover it, he gave the child to her, and entreated her to uſe her intereſt with her father to procure the reſtoration of his offspring. The daughter ſucceeded, and Cromwell reſtored it to him, ſaying, that his government was too ſtrong to be battered down by paper ſhot.

Gentlemen, my addreſs draws now towards a concluſion.——Engliſhmen are not to be forced from any particular purſuit by coercion or violence.

Be to their faults a little blind,
Be to their virtues very kind,
Let all your thoughts be unconfind,
And clap your padlock on the mind.

En-

Engliſhmen act from love, from eſteem, from reaſon, from conviction, but from force never. To endeavour to convince them of any error by an appeal to power, is as ridiculous as the ſtory of Jupiter told by Lucian.

" Jupiter and a countryman were walking " together, and their ſentiments on the affairs " of heaven and earth coincided for ſome " time. At length the countryman ventured " to doubt. Jupiter immediately flew into " a violent paſſion, and threatened the poor " countryman with his thunder. ' Now, " Jupiter,' replied the countryman, ' there " you are wrong; you are always wrong, " when you ſeek to convince by your thun- " der."——

[*Mr. Erſkine's admirable ſpeech occupied above four hours in the delivery.*]

The ATTORNEY GENERAL

was about to reply, when the Foreman of the Jury declared that there was no neceſſity for a reply

a reply from the learned gentleman, or for a ſumming up on the part of the Judge. The Jury were perfectly convinced that the defendant,

THOMAS PAINE,

WAS

GUILTY

OF THE

CHARGES

ALLEDGED AGAINST HIM.